

1 DAVID PUTZER #89545
 2 LOVELOCK CORRECTIONAL CENTER
 3 1200 PRISON Road
 4 Lovelock, NV 89419
 5 PLAINTIFF IN PRO SE

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
DEC 30 2008	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

CPV
RHM

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

5 DAVID PUTZER,
 6 Plaintiff,
 7 V.S.
 8 GLEN WHORTON, et al.,
 Defendants.

) CASE NO. 3:07-CV-00498-LRH(RAM)

) NOTICE OF APPEAL

9 COMES NOW, PLAINTIFF, DAVID PUTZER, PRO SE AND FILES THIS APPEAL PURSUANT TO 28 U.S.C. § 636(b)(1)(C) AND
 10 RULE 18 3-2 OF THE LOCAL RULES OF PRACTICE, "OBJECTIONS TO MAGISTRATE JUDGE'S" DOCUMENT 65 FILED
 11 12/19/2008, ID. (Docket #93) MOTION TO AMEND, AS IT RELATES TO DAMAGES, "IS DENIED," "GRANTED TO THE
 12 EXTENT THAT REGINA HENDRICKSON SHALL BE INSERTED IN THE COMPLAINT AS John Doe #1. THE FOLLOWING
 13 MEMORANDUM OF POINTS AND AUTHORITIES, AND ALL OTHER PAPERS AND PLEADINGs ON FILE HEREIN.

MEMORANDUM OF POINTS AND AUTHORITIES

15 I. ARGUMENT

16 ON 12-19-2008, THE HONORABLE ROBERT A. MCGLAID, JR. U.S. MAGISTRATE JUDGE HELD A MOTION HEARING
 17 THAT DID CONVENE AT 10:04AM, RENO, NEVADA. AT THE HEARING THE COURT ORDERED THAT THE MOTION TO
 18 AMEND, AS IT RELATES TO DAMAGES, IS DENIED.

19 PUTZER ARGUES AS RELIEF PUTZER SHOULD RECEIVE MONEY DAMAGES FOR BEING DENIED CAMP DAYS, MINIMUM
 20 CUSTODY, BECAUSE I WAS DENIED AND CLASSIFIED AS A CONVICTED SEX OFFENDER (C-1), FROM MARCH 2,
 21 2006, UNTIL OCTOBER SOMETIME, 2007.

22 THIS RULE ON RELATION BACK OF AMENDMENTS TO PLEADINGs IS PERMISSIVE AND AS LONG AS AMENDED COMPLAINT
 23 REFERS TO SAME TRANSACTION OR OCCURRENCE WHICH FORM BASIS FOR ORIGINAL COMPLAINT AND DEFENDANT WAS PUT ON NOTICE
 24 OF CLAIM BY FIRST COMPLAINT, THERE WILL BE NO BAR TO AMENDMENT, AND EVEN NEW DEFENDANTS, AND NEW THEORIES
 25 OF RECOVERY WILL BE ALLOWED. Williams v. U.S., C.A. 5 (Ga) 1968, 405 F.2d 234 Federal Civil Procedure Key
 26 839, 1; Federal Civil Procedure Key 842; Federal Civil Procedure Key 853
 27 FRCP RULE 15... RATIONALE OF RELATION-BACK RULE FOR PLEADING AMENDMENTS IS THAT, ONCE LITIGATION
 28

INVOLVING PARTICULAR TRANSACTION HAS BEEN INSTITUTED, PARTY SHOULD NOT BE PROTECTED BY STATUTE OF LIMITATIONS FROM LATER ASSERTED CLAIMS THAT AROSE OUT OF SAME CONDUCT SET FORTH IN ORIGINAL PLEADING. Kansas Reinsurance Co Ltd v. Congressional Mors, Corp. of Texas, C.A.5 (Tex.) 1994, 20 F.3d 1362 Limitation of Actions key 127 (1). PLAINTIFF PUTZER DOES PRESERVE THIS ISSUE FOR APPEAL.

THIS MOTION SHOULD BE GRANTED.

DATED THIS 23rd DAY OF DECEMBER.

By: David Putzer

DAVID PUTZER #89545
LCC-1200 Prison Road
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PLAINTIFF IN PRO SE

CERTIFICATE OF SERVICE

I hereby CERTIFY THAT A COPY OF THE FOREGOING DOCUMENT WAS MAILED TO
KRISTEN R. GEDDES - DEPUTY ATTORNEY GENERAL
(OPPOSING COUNSEL)

AT OFFICE OF THE ATTORNEY GENERAL-100 N. CARSON ST. - CARSON CITY, NV 89701-4717
ON DECEMBER 24th 2008.

BY: David Putzer

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